

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JERRY ALLEN GAINES,	§	
	§	
Petitioner,	§	
	§	
V.	§	CIVIL ACTION NO. H-05-3086
	§	
NATHANIAL QUARTERMAN, DIRECTOR,	§	
TEXAS DEPARTMENT OF CRIMINAL	§	
JUSTICE, CORRECTIONAL	§	
INSTITUTIONS DIVISION,	§	
	§	
Respondent.	§	

**FINAL JUDGMENT**

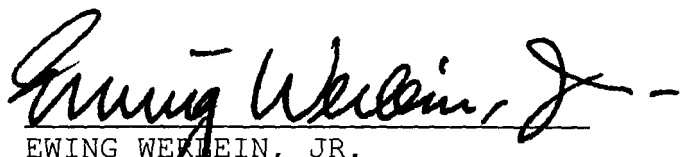
It is ORDERED and ADJUDGED for the reasons set forth in this Court's separate Order Adopting Recommendation of the Magistrate Judge, and the Memorandum and Recommendation of the Magistrate Judge signed and entered on August 30, 2006, which Memorandum and Recommendation is adopted in its entirety as the opinion of this Court, Respondent's Motion for Summary Judgment (Document No. 21) is GRANTED, Petitioner's § 2254 Application for Writ of Habeas Corpus (Document No. 1) is DENIED, and this case is DISMISSED WITH PREJUDICE. It is further

ORDERED that a Certificate of Appealability is DENIED.

This is a FINAL JUDGMENT.

The Clerk will enter this Order and send copies to all parties of record.

SIGNED at Houston, Texas, this 28<sup>TH</sup> day of November 2006.

  
EWING WEIRLEIN, JR.  
UNITED STATES DISTRICT JUDGE